UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SELMA DIVISION

Laura Page,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.:______________
	)	Plaintiff Demands Trial by Jury
	)	
Professional Recovery Services, Inc., a foreign corporation,	)	
	)	
	)	
Defendant.	)	

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq*. (hereinafter, "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices and, in addition, state of Alabama common law claims for negligence, invasion of privacy, harassment, and negligent hiring (hereinafter "state claims").

II. STATEMENT OF JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1367. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that Defendant transacts business and the conduct complained of occurred in Dallas County, Alabama.

III. STATEMENT OF THE PARTIES

3. Plaintiff Laura Page (hereinafter, "Plaintiff") is a natural person of the age of majority and

residing in Dallas County, Alabama. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. § 1692a(3).

4. Defendant Professional Recovery Services, Inc. (hereinafter, "Defendant") is a foreign corporation engaged in the business of collecting consumer debts in the state of Alabama. The principal purpose of Defendant is the collection of such debts using the mails and telephone. Defendant regularly attempts to collect debts alleged to be due another. Therefore, Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6), and the Code of Alabama, §40-12-80 (1975).

IV. FACTUAL ALLEGATIONS

5. Plaintiff incorporates herein by reference each of the foregoing paragraphs.

6. The unlawful conduct described herein was undertaken by agents, contractors, employees or otherwise representatives of Defendant.

7. In or around March, 2011, Defendant contacted Plaintiff's brother, who resides in Arizona, and Plaintiff's parents, who reside in Colorado, in an attempt to collect upon an alleged indebtedness owed to Chase Home Finance, LLC.

8. During one or more of these conversations, Defendant divulged information to these third parties including, but not limited to, the identity of the caller and the nature of the call. Plaintiff's parents demanded that Defendant cease and desist from further contacting them regarding this matter.

9. Plaintiff obtained Defendants telephone number from one or more of these third parties and, on March 15, 2011, called the same speaking with an individual who purported to be "Rashaad McCormick" at 866-231-1068, extension 1169.

10. During such conversation, Plaintiff confirmed her telephone number with "McCormick" and requested that any and all future correspondence be directed to Plaintiff at the number she provided.

11. Plaintiff further demanded that Defendant cease and desist from contacting Plaintiff's relatives.

12. Nevertheless, despite Plaintiff's demand "McCormick", on at least one subsequent occasion, contacted Plaintiff's parents - mother and/or father.

13. In the latter part of March, 2011, Plaintiff forwarded to Defendant a letter disputing the alleged indebtedness and demanding validation thereof.

14. Therein, Plaintiff requested information including, but not limited to, "what the money you say I owe is for", "explain and show me how you calculated what you say I owe", "provide me with copies of any papers that show I agreed to pay what you say I owe", "provide a verification or copy of any judgment if applicable", "identify the original creditor", "prove the statute of limitations has not expired on this account", "show me that you are licensed to collect in my state", "and to "provide me with your license numbers and registered agent".

15. Furthermore, Plaintiff requested 30 days to investigate the claim after receiving the requested information, that Defendant cease and desist from any further contact with Plaintiff until such information was provided, that no further contact be initiated as to Plaintiff's employer, friends or relatives and, in the event Defendant was incapable of providing the requested information, "all references to this account must be deleted and completely removed from my credit file and a copy of such deletion request shall be sent to me immediately."

16. On or around the 28th day of March, 2011, Plaintiff received a return receipt indicating that

Defendant received her dispute and validation request.

17. On March 31, 2011, after receipt of but prior to responding to Plaintiff's dispute and validation request, Defendant attempted to contact Plaintiff at least two times, leaving a voice mail and via an automated dialing system, respectively.

18. According to the voice mail, the first call was from a male representative of Defendant who failed to identify himself, his employer, or the purpose of the call.

19. Plaintiff, in an attempt to determine the nature of the aforesaid calls, returned the same to discover that, in fact, the calls were from Defendant.

20. Disturbingly, Defendant, by and through a female collection agent, advised Plaintiff that she "did not know why [Plaintiff's] number was called as [Plaintiff] is on a do not call list."

21. On or around the 28th day of March, 2011, Plaintiff received a "response" from Defendant to her dispute and validation requested.

22. As anticipated, Defendant failed to provide the information requested.

23. More specifically, Defendant provided one partial copy and two complete copies of a disclosure statement purportedly executed by Plaintiff in or around 2005.

24. Notably, Defendant's response is insufficient in that it failed to include an agreement, contract, services contract, promissory note, billing statements, statements of account, invoices, or other financial documents establishing Plaintiff's liability upon the alleged indebtedness, the amount of such alleged indebtedness, or credits, if applicable, upon the alleged indebtedness.

25. As importantly, Defendant failed to provide chain of ownership documents establishing that Defendant is an assignee, consignee or purchaser of the alleged indebtedness and therefore

entitled to collect upon the same. Despite Defendant's insufficient response, and the fact that Defendant knew or should have known that it has no legal right to collect upon such alleged indebtedness, Defendant, by and through a representative purporting to be "Jen Daniels" contacted Plaintiff attempting to negotiate a settlement of the alleged indebtedness.

26. Defendant knows that it has no legal right to collect upon the alleged indebtedness.

27. Defendant knows that Plaintiff does not and did not owe any money to Defendant.

28. Notwithstanding Defendant's knowledge, it continues to contact Plaintiff in an effort to collect upon this alleged debt.

29. All of the above-described collection communications made to Plaintiff by Defendant and its agents, employees or representatives were made in violation of the FDCPA.

30. Defendant's conduct, as described hereinabove, is an invasion of Plaintiff's privacy by an intrusion upon seclusion and, as a result, Plaintiff has been damaged.

32. Plaintiff has suffered actual damages including, but not limited to, anger, anxiety, emotional distress, fear, frustration, humiliation, embarrassment, credit damage, stress and economic loss, as a result of Defendant's conduct.

33. Apparently, the only way abusive debt collectors, such as Defendant, will stop their abusive practices towards consumers is by a verdict fully compensating Plaintiff for the harm including, but not limited to, a punitive damage award in excess of $100,000.

34. A punitive damage award in said amount will certainly get the attention of debt collectors, including Defendant, which will then realize that it is no longer economically feasible to abuse consumers within the state of Alabama.

35. Furthermore, these debt collectors, including Defendant, will realize that such abusive

practices to gain an unfair advantage over other legitimate debt collectors is no longer economically feasible.

V. CAUSES OF ACTION

COUNT I
VIOLATIONS OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

36. Plaintiff incorporates herein by reference each of the foregoing paragraphs.

37. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

a) Contacting Plaintiff's relatives, on multiple occasions, and disclosing the purpose of the calls and the amount of the alleged indebtedness, in violation of 1692b;

b) Contacting Plaintiff's relatives without the prior consent of Plaintiff in violation of 1692c(b);

c) Contacting Plaintiff after receiving oral and written demands that Defendant cease further communication with Plaintiff, in violation of 1692c(c);

d) Attempting to collect a debt not legally owed, using false and/or misleading representations, in violation of 15 U.S.C. §§ 1692e(2), 1692e(5), and 1692e(10);

e) Taking illegal actions against Plaintiff, in violation of 15 U.S.C. §§ 1692f(1);

f) Failing to provide Plaintiff with the dispute notice required by 15 U.S.C. 1692g; and

g) Attempting to collect upon the alleged indebtedness after Plaintiff's dispute and validation request and prior to providing Plaintiff with the requisite documents, in violation of 1692g(b).

38. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for

declaratory judgment that Defendant's conduct violated the FDCPA, actual damages pursuant to 15 U.S.C. § 1692k(a)(1), compensatory damages, statutory damages of $1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A), punitive damages, costs and attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3).

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

a. Declaratory judgment that Defendant's conduct violated the FDCPA;

b. Actual, compensatory and punitive damages;

c. Statutory damages;

d. Costs and reasonable attorney's fees; and,

e. For such other and further relief as the Court may deem just and proper.

COUNT II
NEGLIGENT, WANTON, AND INTENTIONAL CONDUCT

39. Plaintiff incorporates herein by reference each of the foregoing paragraphs.

40. Defendant acted with negligence, malice, wantonness, recklessness and/or intent in its dealings with Plaintiff as stated hereinabove.

41. Defendant had a duty to ensure that Plaintiff was indebted to Defendant prior to commencing and/or causing to be commenced collection activity against Plaintiff.

42. Defendant had a duty to refrain from engaging in collection activity as to Plaintiff on a debt not owned by Defendant.

43. Defendant had a duty to ensure that the conduct of its agents, employees or representatives was not abusive, harassing, oppressive or violative of any state or federal law.

44. Defendant breached said duties of care.

45. It was foreseeable, and in fact Defendant did foresee, that Defendant's actions would harm and/or injure Plaintiff.

46. As a proximate consequence of Defendant's conduct, Plaintiff has been embarrassed, humiliated, emotionally distressed and, in addition, forced to retain the services of an attorney to prosecute this matter.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

a. actual, compensatory and punitive damages; and

b. For such other and further relief as the Court may deem just and proper.

COUNT III
HARASSMENT

47. Plaintiff incorporates herein by reference each of the foregoing paragraphs.

48. As stated hereinabove, Defendant repeatedly contacted Plaintiff via telephone in an attempt to collect upon the alleged debt.

49. Such communications occurred after a) Plaintiff disputed the validity of such alleged indebtedness, and b) Plaintiff demanded that Defendant cease and desist any and all further communication regarding such alleged indebtedness.

50. By virtue of Defendant's knowledge, Defendant's harassing communications to Plaintiff were willful, intentional and malicious with the intent to injure Plaintiff.

51. As a direct and proximate consequence of Defendant's conduct, Plaintiff has been embarrassed, humiliated, emotionally distressed and, in addition, forced to retain the

services of an attorney to prosecute this matter.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

a. actual, compensatory and punitive damages; and

b. for such other and further relief as the Court may deem just and proper.

COUNT IV
INVASION OF PRIVACY

52. Plaintiff incorporates herein by reference each of the foregoing paragraphs.

53. As stated hereinabove, Defendant illegally and repeatedly intruded upon the seclusion and solitude of Plaintiff.

54. Defendant's invasion of Plaintiff's privacy was willful, intentional and malicious with the intent to injure Plaintiff.

55. As a direct and proximate consequence of Defendant's conduct, Plaintiff has been embarrassed, humiliated, emotionally distressed and, in addition, forced to retain the services of an attorney to prosecute this matter.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

a. actual, compensatory and punitive damages; and

b. for such other and further relief as the Court may deem just and proper.

COUNT V
NEGLIGENT AND WANTON HIRING, SUPERVISION, AND/OR TRAINING

56. Plaintiff incorporates herein by reference each of the foregoing paragraphs.

57. Defendant was negligent and/or wanton in the hiring, supervision and/or training of its

agents, employees and/or representatives.

58. The agents, employees and/or representatives of Defendant, while acting in furtherance and in the line and scope of each person's agency or employment, were incompetent to perform the requisite duties and, furthermore, Defendant knew or should have known of such incompetence.

59. As a result thereof, Defendant has engaged in, or caused others to engage in, conduct that is illegal.

60. As a direct and proximate consequence of Defendant's conduct, Plaintiff has been embarrassed, humiliated, emotionally distressed and, in addition, forced to retain the services of an attorney to prosecute this matter.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

a. actual, compensatory and punitive damages; and

b. for such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this the 16th day of May, 2011.

/s/
Anthony Brian Bush (BUS028)
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DEFENDANT MAY BE SERVED AT THE FOLLOWING ADDRESS:
Professional Recovery Services, Inc.
C/o CT Corporation System

2 North Jackson Street, Suite 605
Montgomery, Alabama 36104